

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

Alejandro Lopez,

Petitioner

v.

GNLV Corp.,

Respondent

Case No.: 2:24-cv-00482-JAD-MDC

**Order Denying  
Application to Proceed in Forma Pauperis  
and Dismissing Action**

[ECF Nos. 1, 1-1]

This habeas corpus action was initiated by Alejandro Lopez on March 11, 2024, when he filed an application to proceed *in forma pauperis*<sup>1</sup> and submitted a petition for writ of habeas corpus under 28 U.S.C. § 2241 for filing.<sup>2</sup> I deny Lopez’s application to proceed *in forma pauperis* because it is not on a form recognized by this court and is incomplete because it does not include the required financial certificate.<sup>3</sup> I deny the application to proceed *in forma pauperis* and dismiss this action because Lopez’s claims are not cognizable in habeas.

Lopez states in his habeas petition that he is a pretrial detainee at the Clerk County Detention Center in Las Vegas.<sup>4</sup> Lopez names as respondent the “GNLV Corp,”<sup>5</sup> against whom he filed a civil-rights action in this court back in 2017.<sup>6</sup> That action was dismissed on June 25,

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<sup>1</sup> ECF No. 1.

<sup>2</sup> ECF No. 1-1.

<sup>3</sup> See LSR 1-2.

<sup>4</sup> ECF No. 1-1 at 1.

<sup>5</sup> *Id.* “GNLV Corp.” refers to the Golden Nugget Las Vegas Corporation, which operates the Golden Nugget Las Vegas Hotel & Casino. See ECF No. 3 in Case No. 2:17-cv-1712-RFB-VCF.

<sup>6</sup> ECF No. 4 in Case No. 2:17-cv-1712-RFB-VCF.

1 2021, under LR 41-1, for want of prosecution,<sup>7</sup> and Lopez did not appeal. Now—more than two  
2 and a half years later—Lopez claims in his habeas petition in this case that the dismissal of the  
3 civil rights action was erroneous, and he requests that his civil-rights action be reinstated.<sup>8</sup>

4 Habeas Rule 4 requires federal district courts to examine a habeas petition and order a  
5 response unless it “plainly appears” that the petitioner is not entitled to relief. This rule allows  
6 courts to screen and dismiss petitions that are patently frivolous.<sup>9</sup> Lopez’s petition is patently  
7 frivolous. He does not allege that his current incarceration is in violation of the laws or treaties  
8 of the United States,<sup>10</sup> and he does not seek release from custody. A prisoner’s claim is  
9 cognizable under the federal habeas statutes only if it falls within the “core” of habeas.<sup>11</sup> If  
10 success on a habeas claim would not necessarily lead to a petitioner’s immediate or earlier  
11 release from custody, the claim does not fall within “the core of habeas corpus.”<sup>12</sup> Lopez’s  
12 claims regarding the dismissal of his civil-rights action, and his request to have that case  
13 reinstated, are not cognizable in this habeas corpus action.

14 IT IS THEREFORE ORDERED that Lopez’s application to proceed *in forma pauperis*  
15 **[ECF No. 1] is DENIED.**

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<sup>7</sup> ECF No. 73 in Case No. 2:17-cv-1712-RFB-VCF.

20 <sup>8</sup> See ECF No. 1-1 at 8.

21 <sup>9</sup> See *Valdez v. Montgomery*, 918 F.3d 687, 693 (9th Cir. 2019).

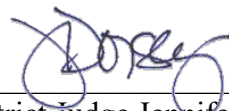
22 <sup>10</sup> See 28 U.S.C. § 2241(b);

23 <sup>11</sup> *Nettles v. Grounds*, 830 F.3d 922, 930 (9th Cir. 2016) (en banc), cert. denied, 137 S. Ct. 645 (2017).

<sup>12</sup> *Id.* at 931.

1 IT IS FURTHER ORDERED that **this action is DISMISSED without prejudice.** A  
2 certificate of appealability is denied as jurists of reason would not find the dismissal of this  
3 action to be debatable or wrong.

4 IT IS FURTHER ORDERED that the Clerk of the Court is directed to **ENTER FINAL**  
5 **JUDGMENT** dismissing this action and **CLOSE THIS CASE.**

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9 U.S. District Judge Jennifer A. Dorsey  
10 April 8, 2024  
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